

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 18-23, 26, and 28-43 are pending in the application, with claims 18 and 26 being the independent claims. Claims 1-17, 24-25, and 27 were previously canceled. Claims 18-23, 26, and 28-32 are sought to be amended. New claims 33-43 are sought to be added. These amendments introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 112***

The Examiner has rejected independent claim 18, and the claims depending therefrom under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner objects to reciting the negative limitation, “the parallel wire elements of each group are non-interlaced” in claim language. According to the Examiner, the above mentioned negative limitation was added to exclude the characteristics of an applied reference (Flagello et al., US Patent No. 6,943,941, hereinafter “Flagello”). Applicants have amended claim 18 discarding the above mentioned negative limitation, and reciting other patentable features of the claimed invention, that distinguishes the present application from the applied references, including Flegello, as discussed below. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112.

***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claims 18, 22, 23, 31, and 32 under 35 U.S.C. §102(e) as being anticipated by Flagello. Applicants respectfully traverse this rejection based on technical differences between claim 18 and the teachings of Flagello. However, in order

to expedite prosecution, Applicants have amended independent claim 18, reciting subject matter that clearly distinguishes claim 18 from Flagello.

For example, claim 18, as amended, recites (emphasis added):

...  
an array of wire elements patterned on the substrate;  
wherein the array of wire elements are divided into *truncated wedge-shaped groups* having parallel wire elements therein to polarize UV light incident on the wire elements and to produce output light that is tangentially polarized about an axis at a center of the substrate, wherein *adjacent truncated wedge-shaped groups are arranged around the axis, leaving an unpatterned transmission aperture at the center of the substrate.*

FIGs. 2A of Flagello shows that period gratings 22 are converging at the center of polarizer 20. Thus Flagello fails to teach “truncated wedge-shaped groups” of wire elements arranged around an axis, “leaving an unpatterned transmission aperture at the center of the substrate”, as recited in claim 18. Support for this amendment can be found in FIG. 1 of the present application, which is a part of the originally filed application. FIG. 1 clearly shows the “unpatterned transmission aperture at the center of the substrate” recited in claim 18. Additionally, paragraph 0051 of the specification of the present application recites, “the pattern of polarization may not be uniform over the whole pupil”, providing additional support for the proposed amendment of claim 18.

Since Flagello fails to teach each and every feature of amended claim 18, Applicants respectfully request that the rejection of claim 18 be removed in view of the current amendment, and claim 18 be passed to allowance.

Claims 22, 23, 31, and 32 should be allowed for being dependent upon allowable independent claim 18, as amended.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw all rejections under 35 U.S.C. §102.

### ***Rejections under 35 U.S.C. § 103***

The Examiner has rejected claims 18-23, 26, and 28-32 as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0176166 (“Shuster”) in view of U.S. Patent Application Publication No. 2002/0167727

("Hansen"), and in further view of Russian Patent Publication No. 2,166,819 ("Niz'yev"). Applicants respectfully traverse this rejection.

The Examiner has indicated that Shuster does not expressly disclose an array of wire elements on the substrate, as recited in independent claims 18 and 26 (Page 5 of Office Action). Hansen discloses an array of wire elements, but does not disclose the specific arrangement of wire elements around an axis, as recited either in independent claim 18 (truncated wedge-shaped groups of parallel wire elements arranged around an axis), or in independent claim 26 (concentric circular wire elements arranged around an axis). Moreover, none of Shuster, Hansen, or Niz'yev discloses "an unpatterned transmission aperture at the center of the substrate", as recited in independent claims 18 and 26.

Because this distinguishing feature is neither disclosed nor suggested by the applied references, independent claims 18 and 26, as amended, are not rendered obvious to a person of ordinary skill in the art, when these references are considered singly or in any reasonable combination. For example, combining the teachings of Shuster and Hansen to replace the birefringent array and polarizer of Shuster with a wire-grid polarizer like that of Niz'yev (as suggested by the Examiner on Page 6, lines 10-13) would still fail to teach "an unpatterned transmission aperture at the center of the substrate".

Thus neither of the applied references, alone, or in combination, can be used to form a *prima facie* case of obviousness. Accordingly, independent claim 18 and its dependent claims 19-23 and 28-32, and independent claim 26, are patentable over the alleged combination of Shuster, Hansen, and Niz'yev. Therefore, Applicants respectfully request that the Examiner reconsider and remove his rejections under 35 U.S.C. § 103(a) and that claims 13 and 17-18 be passed to allowance.

#### ***New Claims***

New dependent claims 33-34, which depend from amended independent claim 18, and new dependent claims 35-43, which depend from amended independent claim 26, are sought to be added. No new matter has been introduced. Consideration and allowance of the new claims is respectfully requested.

Support for claims 33-34 and 38-39 can be found, for example, in the last two sentences of paragraph 0038 of the specification. Support for new claims 35-37 can be found, for example, in paragraphs 0035-0038 of the specification. Support for new claims 40-41 can be found, for example, in paragraphs 0032-0033 of the specification. Support for new claims 42-43 can be found, for example, in paragraphs 0043-0044 of the specification.

All newly added dependent claims are allowable for at least the reasons set forth above with respect to independent claims 18 and 26, from which they respectively depend.

***Other Matters***

Please note that a Request for Continued Examination is filed herewith.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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